



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of	)	METHOD OF MODIFYING	
E. Michael Kerr et al	)	RHEOLOGY OF SLURRIES IN	
Serial No.: 09/293,163	)	MINERAL PROCESSING	
Filed: October 10, 2001	)	Attorney Docket:	5593
(Based on 09/293,163 Filed	)		
April 16, 1999)	)	Group Art Unit:	1713
	)		
	)	Examiner:	M. L.
	)	Reddick	

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**JUL 02 2003**

**OFFICE OF PETITIONS**

Assistant Commissioner for Patents

Washington, D.C. 20231

**DECLARATION OF APPLICANTS UNDER 37 C.F.R. § 1.131**

The declarants, E. Michael Kerr, Sana Khan and Cathy C. Johnson, having been duly warned of the consequence of making false statements as set forth below, hereby declare truthfully as follows:

1. We are the original and joint inventors of the subject matter of this application as set forth in

the claims, as originally filed in U.S. Application Serial No. 09/293,163, filed April 16, 1999, upon which this application is based and as set forth in the claims of the instant application, filed as a continued prosecution application as U.S. Application Serial No. 09/293,163. We are also the original and joint inventors of the subject matter of this application as set forth in the claims, as amended in the first Amendment and Response, filed May 20, 2002 and in the claims as amended in the second Amendment and Response, filed herewith (hereinafter "the Invention").

2. The Invention was completed in this country by actual reduction to practice before January 19, 1999, the filing date of U.S. Patent 6,231,768 issued May 15, 2001 to Barham, et. al., and photocopies of original records evidencing the above reduction to practice are attached hereto as Exhibit A.

3. These records, at page 2, state that the rheology modifier of the Invention is used in conjunction with nickel ore, gold, copper, taconite, mineral sands and bauxite in wet grinding processes.

4. The graphs submitted with these records demonstrate that the Invention has been evaluated in the filed as a potential rheology modifier in laboratory quantities. The Invention was therefore actually reduced to practice before January 19, 1999.

5. We are informed and believe that the Invention is not claimed in U.S. Patent 6,231,768.

6. We, having been warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent resulting therefrom, declare that all of the above statements are true based on our personal knowledge.

May 27, 2003

E. Michael Kerr



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May \_\_, 2003

Sana Khan

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May 27, 2003

Cathy C. Johnson





IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of	)	METHOD OF MODIFYING RHEOLOGY OF
	)	SLURRIES IN MINERAL PROCESSING
E. Michael Kerr et al	)	
	)	Attorney Docket: 5593
Serial No.: 09/293,163	)	
	)	Group Art Unit: 1713
Filed: October 10, 2001	)	
(Based on 09/293,163 Filed April 16, 1999)	)	Examiner: M. L. Reddick
	)	

Assistant Commissioner for Patents  
Washington, D.C. 20231

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May \_\_\_\_, 2003

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E. Michael Kerr

June 23, 2003

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*Sana L. Khan*  
Sana Khan

May \_\_\_\_, 2003

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Cathy C. Johnson